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January 15, 2013

VIA ELECTRONIC & US MAIL

Ms. Stephanie Vaughn
ATTN: Lower Passaic River Remedial Project Manager
Emergency and Remedial Response Division
U.S. EPA, Region 2
290 Broadway, 19th Floor
New York, New York 10007

Re: Monthly Progress Report No. 4 – December 2012 Lower Passaic River Study Area (LPRSA) River Mile 10.9 Removal Action CERCLA Docket No. 02-2012-2015

Dear Ms. Vaughn:

de maximis, inc. is submitting this Monthly Progress Report for the above-captioned project on behalf of the Cooperating Parties Group (CPG) pursuant to the Administrative Settlement Agreement and Order on Consent for Removal Action (Settlement Agreement or AOC). The Progress Report satisfies the reporting requirements of Paragraph 28 of the River Mile (RM) 10.9 Settlement Agreement.

(a) Actions which have been taken to comply with this Settlement Agreement during the month of December, 2012.

Meetings/Conference Calls

- On December 14, CPG and EPA held a conference call to discuss plans for pore water sampling and summarize recent interactions with NJDEP.
- On December 14, CPG held a conference call with Clean Earth to inform them of NJDEP requests to submit an application for a new or revised air permit prior to requesting an Acceptable Use Determination (AUD) for processing RM 10.9 Removal Action sediment.
- On December 20, CPG held a conference call with Cashman to inform them of NJDEP requests to submit an application for a new or revised air permit prior to requesting an Acceptable Use Determination (AUD) for processing RM 10.9 Removal Action sediment.

Correspondence

- On December 5 EPA asked CPG when Appendices E and I of the Pre-Final Design Report would be submitted. CPG replied that Appendix I would be submitted in December 2012 and Appendix E would be submitted with the Final Design Report.
- On December 7 NJDEP submitted comments to CPG on its November 29 meeting summary.



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- On December 7 EPA requested that CPG provide it several copies of the Pre-Final Design Report on CDs for Lyndhurst, Bergen County and the Passaic River Rowing Club.
- On December 10 CPG submitted a hard copy of the Pre-Final Design Report to NJDEP and electronic copies on CDs to EPA and the Bergen County Department of Parks.
- On December 10 NJDEP submitted to CPG additional comments and requests for information as further follow-up to the November 29 meeting.
- On December 11 CPG submitted to NJDEP a map of the RM 10.9 Removal Action area identifying adjacent lots.
- On December 11 CPG forwarded to NJDEP Potential to Emit (PTE) emission calculations in spreadsheet format covering RM 10.9 Removal Action's dredging operation.
- On December 12 NJDEP requested additional information from CPG on the types of equipment that will be involved with the dredging operation, on the selection of input values for the PTE calculations, on hydrogen sulfide (H₂S) sediment concentrations, and on the presence of other compounds in the sediment not included in the original PTE calculation submittal.
- On December 14 CPG submitted a draft QAPP Addendum D to the EPA via the LPR SharePoint site.
- On December 14 CPG sent an electronic copy of the Pre-Final Design Report to the Township of Lyndhurst, per the request of EPA.
- On December 17 NJDEP indicated to CPG that a Tidelands License is required for the dredging activities based on its finding that the State of New Jersey owns title to all subtidal lands associated with the RM 10.9 Removal Action.
- On December 19 CPG sent an electronic copy on CD of the Pre-Final Design Report to Ella Filippone, Passaic River Coalition, per the request of EPA.
- On December 20 CPG submitted answers to NJDEP's questions received on December
 12. NJDEP responded with a request for a revised PTE spreadsheet.
- On December 20 CPG asked NJDEP via a phone call for a written clarification of what additional information should be provided in the revised PTE spreadsheet.
- On December 21 CPG asked NJDEP if they had a working version of the HEC2 model
 that they suggested the CPG run to calculate changes in scour potential from flooding
 associated the RM 10.9 Removal Area cap design assumptions. NJDEP replied they
 were investigating.
- On December 21 Requests for Proposal (RFPs) were submitted to five dredging/capping contractors and five transportation/landfill facilities.

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Work

- Reviewed mercury and methyl mercury data from throughout the LPRSA and the RM 10.9 Removal Area in comparison with available performance information on materials under evaluation for use in the cap.
- Developed a contracting strategy for the Removal Action, for dredging, marine transportation, sediment stabilization, transportation and final disposal activities to prevent/minimize delays in material transfer and handling.
- Discussed with EPA and prepared a sampling and analysis strategy to support the collection of adequate data to assist in evaluating cap design assumptions.
- Began planning and necessary subcontracting for sampling activities to be conducted in January 2013 following EPA approval of QAPP Addendum D.
- Continued to compile information for the permit equivalents required for the project.

(b) Results of Sampling and Tests

No sampling or analytical data were obtained or submitted in December 2012.

(c) Work planned for the next two months with schedules relating to the overall project schedule for design completion

- Prepare for and participate in the January 17 CAG meeting in Lyndhurst, NJ concerning the RM 10.9 Removal Action.
- Conduct sampling activities associated with QAPP Addendum D pending approval from FPA
- Continue working with NJDEP on permit equivalents (air and Tidelands Commission) for the dredging and capping operation.
- Continue working with potential stabilization vendors to assist them in air and AUD permit applications for handling RM 10.9 sediments.
- Coordinate with NJDEP on involvement of FWS and NJ SHPO in permitting efforts.
- Arrange meeting(s) with Township of Lyndhurst and Bergen County representatives after they have an opportunity to review the draft Pre-Final Design Report.
- Develop a QAPP addendum for water quality monitoring during dredge and capping operations.
- Respond to EPA's and other stakeholders' comments received on the Pre-Final Design Report.
- Request stabilization bench-scale testing plans from stabilization vendors that can be provided to NJDEP per their request.
- Review contractor responses to the RFPs, respond to questions, evaluate proposals, and select contractors to implement the Removal Action.
- Complete and submit the Final Design Report to EPA pending resolution of comments with EPA and NJDEP on the Pre-Final Design Report.

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- (d) <u>Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays</u>
 - There is still no resolution concerning the Tierra/Maxus/Occidental (TMO) UAO and their participation in the RM 10.9 Removal Action. As documented in CPG's correspondence of July 27 and September 7, the offer from TMO was inadequate and provided no meaningful value to the RM 10.9 Removal Action.

If you have any questions, please contact Bill Potter, Rob Law or me at (908) 735-9315.

Very truly yours,

de maximis, inc.

Stan Kaczmarek, PE

RM 10.9 Removal Action Project Coordinator

cc: Pat Hick, EPA Office of Regional Counsel

William Hyatt, CPG Coordinating Counsel

Jay Nickerson, NJDEP Roger McCready, CH2M Hill